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Publishing spy data only benefits Soviets

THE CONFLICT between *The Washington Post* and the Administration over the publication of classified information about U.S. intelligence activities is another chapter in the historic adversarial relationship between the press and government.

In this case, the issue turns on the newspaper's commitment to the public's right to know what its government is doing and the government's responsibility for the nation's security, which involves secrecy. There is a specific law in this instance, Section 798 of the U.S. Code, which makes illegal the disclosure of intelligence secrets.

Enacted by Congress in 1950, the law has never been applied to the news media, but it is now being cited by high-placed Administration officials after the *Post* published details on April 22 of the U.S.'s interception of Libyan messages concerning the bombing of a nightclub in West Berlin. National weekly magazines and TV networks also published those details.

CIA Director William Casey personally visited *Post* executives to warn them against printing another story about secret intelligence operations he'd learned they were working on. The story was about the trial of a former employee of the supersecret National Security Agency, Ronald Pelton, charged with spying for the Soviet Union.

The information he allegedly sold the KGB for $35,000 must have been of great importance to the United States, for President Reagan himself called *Post* publisher Katharine Graham on May 10 to stress that publication of Pelton's specific activity "would do irreparable harm to our national security." Other heavy hitters — National Security Adviser John M. Poindexter, and NSA Director William E. Odom — also warned the newspaper about jeopardizing U.S. secrets.

The *Post* subsequently said it was withholding details at the Administration's request, but it reported Pelton "compromised a costly, long-running and highly successful U.S. operation that used sophisticated technology to intercept Soviet communications." It said a "high technology device" was used which involved U.S. submarines and Pelton told the Soviets where they were losing intelligence information to the United States. The newspaper said the Soviets discovered "physical evidence" and U.S. intelligence officials believe they found the American device.

The CIA is now reviewing the article to decide if the federal law was broken, and presumably whether to prosecute. If that is the decision, we expect the newspaper to question the constitutionality of the 1950 statute since the First Amendment prohibits prior restraint on publications. During World Wars I and II the federal government had control over foreign news sources and much of the domestic news and effectively censored the news media. There is no declared national emergency today.

The principle in those events is that where there is a conflict of rights, the more pressing need prevails. In these cases, we believe national security was overriding. Publication of these secrets served no useful purpose, while running severe risks of impairing essential American intelligence.

Editors of the *Post* say they've not published anything the Soviets don't know already. But they cannot be sure of that. Publisher Graham has in the past admonished her newspaper to go carefully after such stories, citing a bomb attack in April 1983 against the U.S. Embassy in Beirut, which killed 60. The United States had been reading coded radio traffic from Syria, where the operation originated. A columnist and TV network broke the story, and shortly the messages ceased.

"This undermined efforts to capture the terrorist leaders and eliminated a source of information about future attacks," Mrs. Graham said. "Five months later, apparently the same terrorists struck again at the Marine barracks in Beirut; 241 servicemen were killed."

Finally, whatever the high motives in revealing government secrets, the media contributed new reason for the public perception of the profession as an arrogant one, which resorts to sensationalism to sell newspapers or attract audiences. Most Americans, we'd guess, simply do not approve of such stories and fail to see any useful news value in exposing national security secrets. We agree.

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